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STATE FOR S/WCI AND EUR/SCE  
DOJ FOR ALEXANDRE

E.O. 12958: DECL: CLOSURE OF ICTY  
TAGS: [ICTY](#) [PGOV](#) [PREL](#) [SR](#)  
SUBJECT: SERBIA TOUTS ICTY ACTION PLAN AS MAJOR SUCCESS

REF: BRUSSELS 2508

Classified By: Ambassador Michael Polt, reasons 1.4 (b,c,d)

¶1. (c) SUMMARY: The Serbian government is portraying as a major success its presentation to the EU of its &Action Plan8 for completing cooperation with the Hague Tribunal (ICTY). Local media have fawnishly echoed this sentiment. Privately, EU and ICTY representatives in Belgrade have downplayed the initial EU statements, and expressed disappointment over the lack of real commitments in the plan. We agree that the GoS plan breaks very little new ground and lacks most of the key elements included in the USG recommendations. Because the GoS has so far largely ignored the USG recommendations, we will need to work closely with the ICTY, EU, and GoS to ensure that a yet-to-be-crafted &operational plan8 contains meaningful action items if we are ever to reliably conclude that the GoS is pulling out all the stops to find Mladic. END SUMMARY.

¶2. (u) Local press extensively covered initial reactions from Ollie Rehn and Javier Solana to Kostunica's &Action Plan8 for completing ICTY cooperation. Press reports highlighted EU statements noting that the document showed Belgrade's commitment to fulfilling its ICTY cooperation commitments. Government-influenced daily &Politika8 headlines characterized the EU troika as &extremely satisfied8 with the plan, and reported Kostunica's comments after his meetings that the plan would lead to the restarting of stalled SAA negotiations.

¶3. (c) Reactions from International Community reps in Belgrade were far more measured. EU mission contact David Hudson emphasized that neither Rehn's nor Solana's statements made any mention of linking the Action Plan in its current form to restarting SAA talks, and noted the EU is still awaiting a pronouncement from ICTY and a presentation of the operational plan that Belgrade has promised will follow this &framework8 document. They noted that Rehn's most recent letter to the GoS made it clear that the EU could not back away from Mladic's transfer to The Hague as a condition for restarting talks. Hudson said no formal EU pronouncement would be made on the plan until September, and that the EU would review GoS progress in implementing the plan via monthly troika meetings in the meantime. Hudson stressed that Carla del Ponte's voice would continue to be an important one in the assessment, and highlighted the presidency's statement that only effective implementation would lead to the resumption of SAA talks.

¶4. (c) Local ICTY office chief Deyan Mihov told us Carla del Ponte's reaction was similarly muted, merely &acknowledging8 the Action Plan and noting that the authorities named in the plan as responsible for coordinating action, Rasim Ljajic and Special Court prosecutor Vladimir

Vukcevic, still had to be given appropriate authorities to fulfill their mandates (implicitly to include the authority to direct the activities of Serbia's intelligence and law enforcement bodies). Kostunica also alluded to this in his statements, telling press that crafting an operational plan and getting it up and running would take some time, as it would require making legislative changes.

15. (c) Meanwhile, we presented the USG recommended items for the Action Plan to senior GoS officials (BIA Chief Rade Bulatovic and Kostunica advisor Vladeta Jankovic) on July 14.

Neither official had complaints about the list ) with a few notable exceptions. Bulatovic told DCM that shifting operational authority away from BIA and into the hands of Vukcevic was a guaranteed loser. Stressing that BIA had secured the transfer of 18 PIFWC's last year, he repeatedly pointed out that Special Court prosecutor Vukcevic had played no role in any PIFWC handovers until now. He characterized Vukcevic as a rank amateur with a history of &bad-mouthing8 BIA to ICTY, and thus as someone who would not be able to get respect ) let alone results - from the intelligence and law enforcement communities. Summing up, he concluded that, if the goal was to find Mladic, it would not be serious to put Vukcevic in charge. Jankovic, on the other hand, took issue with our recommendation that the GoS target former senior GoS officials Aca Tomic and Branko Krga, arguing that our insistence on this would bring down the government.

16. (c) Unfortunately, the USG checklist does not appear to have been factored into either the GoS's or ICTY's considerations in the drawing up of the framework Action Plan. On July 14, the Ambassador presented the USG recommendations to Quint ambassadors in Belgrade, all of whom welcomed the USG points. The Ambassador reiterated to

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Rehn,s office on July 17, and again to Quint ambassadors the same day, the need for there to be specific responsibilities placed on Kostunica himself to take public and substantively significant action to make the Action Plan credible. Quint ambassadors assured the Ambassador that the USG points would be fully taken into account when the EU and ICTY considered the &operational plan8 that Belgrade would be developing to implement the &framework8 agreement.

17. (c) As it stands, the framework Action Plan differs significantly from the USG recommendations in many key areas.

While the Action Plan does (in some cases only fuzzily) encapsulate the spirit of some of the USG recommendations ) public statements that Mladic be arrested, greater scrutiny of Mladic supporters, and the establishment of an inter-agency team headed by Vukcevic to coordinate activities ) it falls far short on specifics. It does not, for example, put any responsibility on Kostunica himself to make public statements calling for Mladic,s arrest; it does not commit the GoS to work with the Serbian Orthodox Church to publicly support Mladic,s arrest; it does not envision any sort of manhunt operation; it does not call for public instructions to be issued to law enforcement to apprehend Mladic; and it does not commit the GoS to question high-level Mladic supporters from the pre-2003 timeframe.

18. (c) ICTY Coordination Council Chairman Rasim Ljajic has told us informally that the GoS will adopt a decree accepting the Action Plan on July 20, and that that decree will create enough legal &wiggle room8 for the government to use additional decrees to give himself and Vukcevic whatever authorities they need to fulfill their responsibilities. The &team8 that will enact the Plan, according to Ljajic, will be headed by Kostunica, and will include DPM Dulic-Markovic, VBA chief Kovac, BIA chief Bulatovic, and MININT Jocic, with Vukcevic as operational coordinator and Ljajic as &Political/Diplomatic coordinator.8 Ljajic said this role might initially consist of weekly briefings/info sharing with the USG, EU, and ICTY (separately) on operational issues.

¶9. (c) COMMENT: Kostunica seems to have gotten as much as he could have hoped for ) a positive assessment of his &framework8 plan, which frankly puts few new commitments on the GoS and none on Kostunica personally to make ICTY cooperation a priority. The PM has already signaled that operationalizing this plan will take some time, citing legal changes needed to make it happen. With parliament in recess throughout the summer, it is unlikely we will see any movement on the &operational plan8 in the near future. Bottom line, if Kostunica wants this plan to work, it will; if he wants to drag out implementation, he can. In the meantime, Kostunica will increase his calls for a restart of SAA talks in response to his well-received &Action Plan,8 and will blame the EU for moving the goalposts if it holds out for real action.

¶10. (c) COMMENT, CONTINUED: It will take sustained and coordinated efforts by the USG and EU, together with ICTY, to ensure that the USG recommendations make their way into the operational plan to be developed by Belgrade. If the EU is still serious about Mladic remaining as a condition for SAA talks, as Rehn,s letter notes, the operational plan will have to do much more than the framework agreement has done to get the GoS, and Kostunica in particular, to lead an aggressive public effort to ratchet up the pressure on Mladic.  
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